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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,652	07/13/2001	Hiroshi Isono	110087	8225

25944 7590 07/20/2004

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P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,652

Applicant(s)

ISONO, HIROSHI

Examiner

Bradley T King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,9 and 12-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4,6,7 and 17 is/are allowed.
- 6) ☒ Claim(s) 1,10,11,15,16 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12222003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 11, 15, 16, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ocirk (US# 4838619).

Ocirk shows in figure 1 a braking system comprising: a power-operated hydraulic pressure source 34 operable to deliver a pressurized working fluid; a brake shown in the area of element HR including a hydraulically operated brake cylinder 20, a manually operable brake operating member 3, a master cylinder 1 disposed between the power-operated hydraulic pressure source and the brake cylinder and operable to deliver the pressurized working fluid into the brake cylinder, in response to an operation of the manually operable brake operating member (by virtue of the closing of valve 39 which is comparable to the closing of valve 90 in figure 1 of the instant application), and a flow rate changing device 36,39,1,16 (in a second interpretation the flow rate changing device includes elements 36,39,1) disposed between the power-operated hydraulic pressure source and the brake cylinder and including the master cylinder 1, the flow-rate changing device being operable to change a first rate of flow of the

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pressurized working fluid from the master cylinder into the brake cylinder, which first rate corresponds to a given second rate of flow of the pressurized working fluid into the master cylinder and which has a predetermined relationship with the second rate of flow, to control a pressure of the working fluid in the brake cylinder, such that the pressure of the working fluid in the brake cylinder corresponds to the operation of the manually operable brake operating member as disclosed in col. 5 lines 39-43.

Re: claim 30. In the second interpretation of the Ocirk reference, Ocirk shows in figure 1 the braking system further comprising a pressure control valve device 16 disposed between the master cylinder and the brake cylinder and operable to control the pressure of the working fluid in the brake cylinder, irrespective of the operation of the manually operable brake operating member (under the control of the brake slip control device as disclosed in col. 4 lines 49-50).

Claims 1, 10, 11, 15, 16, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP11-91530 (using US Patent 6095622 to Oishi et al. as an English equivalent).

Re: claims 1, 10, 11, 15, and 16. Oishi et al. show in figure 1 a braking system comprising: a power-operated hydraulic pressure source 30 operable to deliver a pressurized working fluid; a brake 11 including a hydraulically operated brake cylinder, a manually operable brake operating member 15, a master cylinder 17 disposed between the (top portion of the), power-operated hydraulic pressure source and the brake cylinder and operable to deliver the pressurized working fluid into the brake cylinder, in

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response to an operation of the manually operable brake operating member as disclosed in col. 4 lines 1 1-19, and a flow rate changing device 44,17 disposed between the power-operated hydraulic pressure source and the brake cylinder and including the master cylinder 17, the flow-rate changing device being operable to change a first rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder as disclosed in col. 6 lines 58-65, which first rate corresponds to a given second rate of flow of the pressurized working fluid from the into the master cylinder and which has a predetermined relationship with the second rate of flow, to control a pressure of the working fluid in the brake cylinder, such that the pressure of the working fluid in the brake cylinder corresponds to the operation of the manually operable brake operating member as disclosed in col. 4 lines 1 1-19.

Re: claim 30. Oishi et al. show in figure 1 the braking system further comprising a pressure control valve device 38a disposed between the master cylinder and the brake cylinder and operable to control the pressure of the working fluid in the brake cylinder, irrespective of the operation of the manually operable brake operating member (during traction control as disclosed in col. 6 lines 46-49).

Allowable Subject Matter

Claims 2, 3, 4, 6, 7, and 17 allowed.

Response to Arguments

Applicant's arguments filed 05/03/2004 have been fully considered but they are not persuasive.

Applicant argues that the references fail to teach the flow rate changing device being operable to control the brake cylinder pressure such that the brake cylinder pressure corresponds to the operation of the brake operating member. Both references control the flow rate during anti-lock control. It is maintained that, in this mode, the pressure of the working fluid in the brake cylinder corresponds to the operation of the brake operating member as broadly recited by the claims. For example, a pressure is generated which corresponds to the fact that the operating member has been actuated. Regarding the predetermined relationship, this feature is inherent to the system of Ocviok. The sizing of the system components can be predetermined and influences the relationship of the fluid flowing into the master cylinder to the fluid flowing out towards the brake cylinders. It is maintained that the rejections are proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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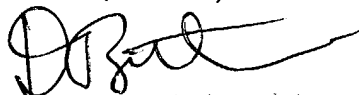
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK



DOUGLAS C. BUTLER
PRIMARY EXAMINER



7/18/04